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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/627,088      | 07/25/2003  | Kaushik Barman       | HSF-005             | 3143             |

7590 10/06/2006  
William L. Botjer  
PO Box 478  
Center Moriches, NY 11934

EXAMINER

TSE, YOUNG TOI

ART UNIT PAPER NUMBER

2611

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/627,088

Applicant(s)

BARMAN ET AL.

Examiner

YOUNG T. TSE

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. See page 3, lines 11-23 and page 12, lines 5-17 of the specification.

### *Drawings*

2. The drawings are objected to because the unknown errors "df<sub>st</sub>" and "df<sub>ct</sub>" should in figure 1 do not correspond to the unknown errors "δf<sub>st</sub>" and "δf<sub>ct</sub>" discussed in the specification at pages 6 and 7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several

views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sampler, the symbol boundary estimator, the phase error estimator, the carrier frequency offset estimator and the clock error estimator recited in claim 4 and all the claimed elements recited in claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities: at page 6, lines 23 and 26 and page 7, lines 9, 11 and 14, the unknown errors " $\delta f_{st}$ " and " $\delta f_{ct}$ " do not correspond to the unknown errors " $df_{st}$ " and " $df_{ct}$ " should in figure 1. Appropriate correction is required.

### ***Claim Objections***

5. Claims 2-3, 5 and 7 are objected to because of the following informalities:

In claim 2, line 8, "the pre-defined" should be "the predefined". Wherein claim 3 depends on claim 2.

In claim 5, line 5, "a pre-defined" should be "the predefined".

In claim 7, line 9, "a pre-defined sequence" should be "the predefined spreading sequence" and line 22, "steps" should be "the instructions".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 (lines 8-9, 12-16 and 18), claim 2 (lines 1-2, 9, 14-15, and 19-20), claim 3 (lines 1-3), claim 4 (lines 9 and 14-19), claim 5 (lines 8 and 16-18), claim 6 (lines 11, 14 and 16-22), and claim 7 (lines 11, 17-20 and 23-24), the phrases, “the frequency spectrum”, “the symbol boundary”, “the maximum likelihood estimate of the mean of the phase error”, “the maximum likelihood estimate of the carrier frequency offset”, “the maximum likelihood estimate of the clock error”, “the pre-defined spreading code”, “the phase error”, “the transmitted signals”, “the estimation length”, “the number of Differential Binary Phase Shift Keying symbols”, and “the maximum likelihood weighting scheme” all lack antecedent basis.

In claim 1, lines 13-14 and 18, the computing steps d. and f. lack cooperation with any of the other steps.

In claim 2, steps a. to k. are confusing since claim 1 already used steps a. to f. (also see claims 5 and 7).

In claim 2, line 8, “the decimated samples” lacks antecedent basis since it is unclear the N samples or the M samples. Also see claim 5 (line 7) and claim 7 (line 10).

In claim 2, lines 14-16, the computing step h. and the accumulating step i. lacks cooperation with any of the other steps.

In claim 4, lines 14-19, the phase error estimator, the carrier frequency estimator and the clock error estimator all lack connection with any of the other claimed elements.

In claim 6, lines 16-17 and 21-22, the instruction means d. and f. lack connection with any of the other instruction means.

In claim 7, lines 17-20, the instruction means h. and i. lack connection with any of the other instruction means.

#### ***Allowable Subject Matter***

8. Claims 1-7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. Claims 2-3, 5 and 7 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

#### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

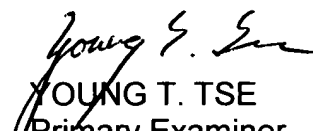
Birgenheier et al. discloses a method and apparatus for determining the phase and amplitude accuracy of continuous-phase modulated signals.

Bingham discloses a method of correcting for the impairments of phase jitter and frequency offset imposed by a transmission medium of a clock frequency difference between a transmitting and a receiving multicarrier modem.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-3051. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
YOUNG T. TSE  
Primary Examiner  
Art Unit 2611